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USA, Inc., and HiSilicon Technologies Co. Ltd.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES CO., LTD.,  
HUAWEI DEVICE USA, INC., and  
HUAWEI TECHNOLOGIES USA, INC..

Plaintiffs / Counterclaim-Defendants,  
v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC..

## Defendants / Counterclaim-Plaintiffs,

and

SAMSUNG RESEARCH AMERICA,

**Defendant,**

HISILICON TECHNOLOGIES CO., LTD.

#### **Counterclaim-Defendant.**

Case No. 16-cv-02787-WHO

**DECLARATION OF NATHAN  
GREENBLATT IN SUPPORT OF  
HUAWEI'S OPPOSITION TO  
SAMSUNG'S MOTION TO ENJOIN  
HUAWEI FROM ENFORCING THE  
INJUNCTION ISSUED BY THE  
INTERMEDIATE PEOPLE'S COURT OF  
SHENZHEN**

1 I, Nathan Greenblatt, declare as follows:

2 1. I am a member of the State Bar of California and an attorney at the law firm of Sidley Austin  
 3 LLP, counsel for Plaintiffs and Counterclaim-Defendants Huawei Technologies Co., Ltd., Huawei  
 4 Device USA, Inc., and Huawei Technologies USA, Inc., and Counterclaim-Defendant HiSilicon  
 5 Technologies Co., Ltd. (collectively, “Huawei”). I submit this declaration in support of Huawei’s  
 6 Opposition to Samsung’s Motion to Enjoin Huawei from Enforcing the Injunction Issued by the  
 7 Intermediate People’s Court of Shenzhen (“Shenzhen Court”). I have personal knowledge of the  
 8 facts set forth in this declaration, and, if called upon as a witness, I could and would testify to such  
 9 facts under oath.

10 2. Attached hereto as **Exhibit 1** is a true and correct copy of the public version of Complainant  
 11 Samsung’s Initial Submission in Response to Commission Notice of Review, filed in ITC  
 12 Investigation No. 337-TA-794, *In the Matter of Certain Electronic Devices, Including Wireless*  
 13 *Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers.*

14 3. Attached hereto as **Exhibit 2** is a true and correct copy of the public version of Complainant  
 15 Samsung’s Corrected Response to Apple’s Submission in Response to Commission Notice of  
 16 Review, filed in ITC Investigation No. 337-TA-794, *In the Matter of Certain Electronic Devices,*  
 17 *Including Wireless Communication Devices, Portable Music and Data Processing Devices, and*  
 18 *Tablet Computers.*

19 4. Attached hereto as **Exhibit 3** is a true and correct copy of the public version of the  
 20 Memorandum of Findings of Fact and Conclusions of Law in *TCL Comm. Tech. Holdings, Ltd. v.*  
 21 *Telefonaktiebolaget LM Ericsson*, Case No. SACV 14-cv-00341-JVS-DFMx, Dkt. 1802 (C.D. Cal.  
 22 Dec. 21, 2017).

23 5. Attached hereto as **Exhibit 4** is a true and correct copy of the remarks of Makan Delrahim,  
 24 Assistant Attorney General, Antitrust Division, United States Department of Justice, entitled, “Take

1 It to the Limit: Respecting Innovation Incentives in the Application of Antitrust Law," published on  
2 November 10, 2017 and available online at  
3 <https://www.justice.gov/opa/speech/file/1010746/download>.

4 6. Attached hereto as **Exhibit 5** is a true and correct copy of an article titled "Samsung Inks  
5 \$500M Wireless Patent Deal with InterDigital," authored by Ingrid Lunden, published on June 3,  
6 2014, and available online at <https://techcrunch.com/2014/06/03/samsung-interdigital-patents/>.

7 7. Attached hereto as **Exhibit 6** is a true and correct copy of an article titled "In Samsung's  
8 Town in Vietnam, Workers Confident of Riding Out Note 7 Storm," authored by Mai Nguyen,  
9 published on October 14, 2016, and available online at <https://www.reuters.com/article/us-samsung-elec-smartphones-vietnam/in-samsungs-town-in-vietnam-workers-confident-of-riding-out-note-7-storm-idUSKBN12E113>.

10 8. Attached hereto as **Exhibit 7** is a true and correct copy of an article titled "Why Samsung's  
11 Move to Build Smartphones in Vietnam Will Help It Better Compete in China," authored by  
12 Harichandan Arakali, published on November 17, 2014, and available online at  
13 <http://www.ibtimes.com/why-samsungs-move-build-smartphones-vietnam-will-help-it-better-compete-china-1724014>.

14 9. Attached hereto as **Exhibit 8** is a true and correct copy of term sheet sent by Samsung to  
15 Huawei on July 20, 2012, and produced in this case bearing Bates numbers  
16 HW\_Samsung\_00130697-99 (filed under seal).

17 10. Attached hereto as **Exhibit 9** is a true and correct copy of Huawei's presentation slides from  
18 a March 2012 meeting between Huawei and Samsung that were produced in this case bearing Bates  
19 numbers HW\_Samsung\_00131187-98 (filed under seal).

1       11. Attached hereto as **Exhibit 10** is a true and correct copy of a letter sent by Ilseok Jang of  
2 Samsung to Xuxin Cheng of Huawei, dated May 11, 2013, and produced in this case bearing Bates  
3 number HW\_Samsung\_00131534 (filed under seal).

4       12. Attached hereto as **Exhibit 11** is a true and correct copy of an email chain produced in this  
5 case bearing Bates numbers HW\_Samsung\_00131537-42, the most recent message of which was  
6 sent by Ilseok Jang of Samsung to Xuxin Cheng of Huawei on May 19, 2013 (filed under seal).

7       13. Attached hereto as **Exhibit 12** is a true and correct copy of an email chain produced in this  
8 case bearing Bates numbers HW\_Samsung\_00131596-97, the most recent message of which was  
9 sent by Bryan Xu of Huawei to Ilseok Jang of Samsung on July 5, 2013 (filed under seal).

10      14. Attached hereto as **Exhibit 13** is a true and correct copy of an email chain produced in this  
11 case bearing Bates numbers HW\_Samsung\_00132154-60, the most recent message of which was  
12 sent by Ilseok Jang of Samsung to Bryan Xu of Huawei on August 2, 2013 (filed under seal).

13      15. Attached hereto as **Exhibit 14** is a true and correct copy of an email chain produced in this  
14 case bearing Bates numbers HW\_Samsung\_00229986-89, the most recent message of which was  
15 sent by Bryan Xu of Huawei to Daniel Ko of Samsung on October 23, 2013 (filed under seal).

16      16. Attached hereto as **Exhibit 15** is a true and correct copy of an email chain produced in this  
17 case bearing Bates numbers HW\_Samsung\_00230784-92, the most recent message of which was  
18 sent by Daniel Ko of Samsung to Bryan Xu of Huawei on November 6, 2013 (filed under seal).

19      17. Attached hereto as **Exhibit 16** is a true and correct copy of an email chain produced in this  
20 case bearing Bates numbers HW\_Samsung\_00230806-17, the most recent message of which was  
21 sent by Daniel Ko of Samsung to Bryan Xu of Huawei on December 23, 2013 (filed under seal).

22      18. Attached hereto as **Exhibit 17** is a true and correct copy of an email chain produced in this  
23 case bearing Bates numbers HW\_Samsung\_00230843-56, the most recent message of which was  
24 sent by Daniel Ko of Samsung to Bryan Xu of Huawei on January 29, 2014 (filed under seal).

19. Attached hereto as **Exhibit 18** is a true and correct copy of an email chain produced in this case bearing Bates numbers HW\_Samsung\_00230922-33, the most recent message of which was sent by Bryan Xu of Huawei to Hojin Chang and Ilseok Jang of Samsung on March 7, 2014 (filed under seal).

20. Attached hereto as **Exhibit 19** is a true and correct copy of an email chain produced in this case bearing Bates numbers HW\_Samsung\_00230934-46, the most recent message of which was sent by Bryan Xu of Huawei to Hojin Chang and Ilseok Jang of Samsung on May 21, 2014 (filed under seal).

21. Attached hereto as **Exhibit 20** is a true and correct copy of an email chain produced in this case bearing Bates numbers HW\_Samsung\_00230947-59, the most recent message of which was sent by Bryan Xu of Huawei to Hojin Chang and Ilseok Jang of Samsung on August 25, 2014 (filed under seal).

22. Attached hereto as **Exhibit 21** is a true and correct copy of an email chain produced in this case bearing Bates numbers HW\_Samsung\_00132216-28, the most recent message of which was sent by Ilseok Jang of Samsung to Bryan Xu of Huawei on August 18, 2013 (filed under seal).

23. Attached hereto as **Exhibit 22** is a true and correct copy of a letter sent by Dr. Song Liuping of Huawei to Dr. Oh-Hyun Kwon of Samsung, dated March 2, 2015, and produced in this case bearing Bates numbers HW\_Samsung\_00231024-25 (filed under seal).

24. Attached hereto as **Exhibit 23** is a true and correct copy of a letter sent by Dr. Seungho Ahn of Samsung to Dr. Song Liuping of Huawei, dated March 19, 2015, and produced in this case bearing Bates numbers HW\_Samsung\_00231026-27 (filed under seal).

25. Attached hereto as **Exhibit 24** is a true and correct copy of an email chain produced in this case bearing Bates numbers HW\_Samsung\_00231196-201, the most recent message of which was sent by Xuxin Cheng of Huawei to Hojin Chang of Samsung on June 18, 2015 (filed under seal).

1       26. Attached hereto as **Exhibit 25** is a true and correct copy of an email sent by Xuxin Cheng of  
2       Huawei to Hojin Chang and Seungho Ahn of Samsung, dated December 31, 2015, attaching a cover  
3       letter, a draft cross-license agreement, and a presentation providing Huawei's proposed term sheet,  
4       produced in this case bearing Bates numbers HW\_Samsung\_00000001-23 (filed under seal).

5       27. Attached hereto as **Exhibit 26** is a true and correct copy of a letter sent by Xuxin Cheng of  
6       Huawei to Hojin Chang of Samsung, dated June 5, 2017, and produced in this case bearing Bates  
7       numbers HW\_Samsung\_0069325-26 (filed under seal).

8       28. Attached hereto as **Exhibit 27** is a true and correct copy of term sheet sent by Huawei to  
9       Samsung on June 5, 2017, that was attached to the letter marked as Exhibit 26, and produced in this  
10      case bearing Bates number HW\_Samsung\_00697338 (filed under seal).

12      29. Attached hereto as **Exhibit 28** is a true and correct copy of term sheet sent by Samsung to  
13      Huawei, attached to the July 20, 2015 email in the chain marked as exhibit 36, and produced in this  
14      case bearing Bates number HW\_Samsung\_00231242-44 (filed under seal).

15      30. Attached hereto as **Exhibit 29** is a true and correct copy of an email chain produced in this  
16      case bearing Bates numbers HW\_Samsung\_00131587-93, the most recent message of which was  
17      sent by Xuxin Cheng of Huawei to Ilseok Jang of Samsung on June 6, 2013 (filed under seal).

19      31. Attached hereto as **Exhibit 30** is a true and correct copy of Huawei's presentation slides from  
20      an August 12, 2015 meeting between Huawei and Samsung that were produced in this case bearing  
21      Bates numbers HW\_Samsung\_00697339-47 (filed under seal).

22      32. Attached hereto as **Exhibit 31** is a true and correct copy of a letter sent by Xuxin Cheng of  
23      Huawei to Hojin Chang of Samsung, dated September 6, 2016, and produced in this case bearing  
24      Bates numbers HW\_Samsung\_00848356-58 (filed under seal).

1       33. Attached hereto as **Exhibit 32** is a true and correct copy of a letter sent by Xuxin Cheng of  
 2       Huawei to Hojin Chang of Samsung, dated August 8, 2016, and produced in this case bearing Bates  
 3       numbers HW\_Samsung\_00848342-44 (filed under seal).

4       34. Attached hereto as **Exhibit 33** is a true and correct copy of an arbitration term sheet sent by  
 5       Huawei to Samsung on August 8, 2016, that was attached to the letter marked as Exhibit 32, and  
 6       produced in this case bearing Bates number HW\_Samsung\_00848339-41 (filed under seal).

7       35. Attached hereto as **Exhibit 34** is a true and correct copy of a letter sent by Hojin Chang of  
 8       Samsung to Xuxin Cheng of Huawei, dated August 24, 2016, and produced in this case bearing  
 9       Bates numbers HW\_Samsung\_00848345-47 (filed under seal).

11      36. Attached hereto as **Exhibit 35** is a true and correct copy of a letter sent by Xuxin Cheng of  
 12     Huawei to Hojin Chang and Seungho Ahn of Samsung, dated May 25, 2016, and produced in this  
 13     case bearing Bates numbers HW\_Samsung\_00231499-500 (filed under seal).

14      37. Attached hereto as **Exhibit 36** is a true and correct copy of an email chain produced in this  
 15     case bearing Bates numbers HW\_Samsung\_00130702-03, the most recent message of which was  
 16     sent by Bryan Xu of Huawei to Yooseok Kim of Samsung on August 7, 2012 (filed under seal).

18      38. Attached hereto as **Exhibit 37** is a true and correct copy of a public letter sent by Jonathan  
 19     Barnett, Ronald Cass, Richard Epstein, Judge Douglas Ginsburg, Justin Hurwitz, David Kappos,  
 20     Judge Paul Michel, Adam Mossoff, Kristen Osenga, David Teece, and Joshua Wright to Assistant  
 21     Attorney General Makan Delrahim of the United States Department of Justice, dated February 13,  
 22     2018, available online at <https://cpip.gmu.edu/wp-content/uploads/sites/31/2018/02/Letter-to-DOJ-Supporting-Evidence-Based-Approach-to-Antitrust-Enforcement-of-IP.pdf>.

25      39. Attached hereto as **Exhibit 38** is a true and correct copy of an article titled “Samsung to Pay  
 26     Ericsson \$650 Million Plus Royalties to End Patent Spat,” authored by Simon Johnson, published on  
 27     January 27, 2014, and available online at <https://www.reuters.com/article/us-ericsson-samsung>

[patents/samsung-to-pay-ericsson-650-million-plus-royalties-to-end-patent-spat-idUSBREA0Q0A120140127?feedType=RSS&feedName=technologyNews](#).

40. Attached hereto as **Exhibit 39** is a true and correct copy of a press release by Nokia Corporation entitled “Nokia and Samsung Expand Their Intellectual Property Cross License,” published on July 13, 2016, and available online at [https://www.nokia.com/en\\_int/news/releases/2016/07/13/nokia-and-samsung-expand-their-intellectual-property-cross-license](https://www.nokia.com/en_int/news/releases/2016/07/13/nokia-and-samsung-expand-their-intellectual-property-cross-license).

41. Attached hereto as **Exhibit 40** is a true and correct copy of an press release by Nokia Corporation entitled “Nokia Receives Decision in Patent License Arbitration with Samsung – Positive Financial Impact for Nokia Technologies,” published on February 1, 2016, and available online at [https://www.nokia.com/en\\_int/news/releases/2016/02/01/nokia-receives-decision-in-patent-license-arbitration-with-samsung-positive-financial-impact-for-nokia-technologies](https://www.nokia.com/en_int/news/releases/2016/02/01/nokia-receives-decision-in-patent-license-arbitration-with-samsung-positive-financial-impact-for-nokia-technologies).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on February 20, 2018 in Palo Alto, CA.

/s/ Nathan A. Greenblatt  
Nathan A. Greenblatt